

## REMARKS

Claims 1 – 26 are pending and rejected.

The applicant's attorney cancels claim 1; amends claims 2 – 5, 7 – 23 and 26; and adds claim 27. Claim 10 is amended to convert it into an independent claim by including the limitations of claim 1 from which it depends. The amendment to claim 10 does not narrow claim 10 and does not add any new matter. Claims 2 – 5 and 7 – 23 are amended to correct their dependency from cancelled claim 1 to claim 10. The amendments to claims 2 – 5 and 7 – 23 do not narrow the claims. Applicant's attorney respectfully disagrees with the examiner's rejection of claims 1 – 23 and asserts that claims 1 – 27, as amended, are in condition for allowance for the reasons discussed below.

### **Rejection of claims 2 – 23 under 35 U.S.C. §103(a)**

The applicant's attorney respectfully disagrees with the Examiner's rejection of claim 10 in view of U.S. Patents 2,265,329 issued to Wachs (Wachs) and 6,510,816 issued to Ehrmann (Ehrmann) for two reasons. First, Wachs and Ehrmann each fail to disclose a flexible second side having a second scrubbing texture that is different than the first scrubbing texture. And second, the examiner has failed to show that Wachs, Ehrmann or the knowledge generally available to one skilled in the art includes a motivation or suggestion to combine Wachs and Ehrmann.

To establish a *prima facie* case of obviousness, three basic elements are required. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. And third, the references when combined must teach or suggest all the claim limitations. MPEP; 8<sup>th</sup> edition; §2143.

## **Wachs and Ehrmann Fail To Disclose A Flexible Second Side**

Claim 10 recites a pet washing glove that includes a flexible first side and a flexible second side that together provide a sheath for a hand and generally define a first palm portion on the first side, a second palm portion on the second side, a thumb portion, and at least one finger portion. The flexible first side has a first scrubbing texture and the flexible second side has a second scrubbing texture that is different than the first scrubbing texture. The glove also includes a palmar receptacle that receives and retains a washing material, and releases a solution of the washing material.

For example, as shown in FIGS. 1 and 2, and discussed in paragraphs 14 – 18 of the specification, the glove 10 includes a flexible first side 20 and a flexible second side 30 that are sewn together at seam 78 (FIG. 2) to form the glove 10. The first side 20 includes a first scrubbing texture 52, and the second side 30 includes a second scrubbing texture 56 that is different than the first scrubbing texture 52. For example, The first scrubbing texture 52 has a rough or course weave for washing short haired dogs like a Doberman, and the second scrubbing texture has loops between 0.10 and 0.50 inches long for washing longer haired dogs like a Saint Bernard.

In contrast, Wachs fails to disclose a flexible second side having a second scrubbing texture that is different than the first scrubbing texture. Wachs discloses a bath mit (shown in FIGS. 1 – 7 but not identified with a reference number) that includes an intermediate wall portion 10 (FIGS. 1 – 4), an outer wall portion 12 (FIGS. 1 – 4), and an opposite outer wall portion 11 (FIGS. 1, 3 and 4). The intermediate wall portion 10 is sewn to the opposite outer wall portion 11 to form a sheath 16 (FIG. 3) and sewn to the outer wall portion 12 to form a pocket 17 (FIGS. 3 and 4) for retaining a bar of soap 18 (FIGS. 1 and 3). The three portions 10, 11 and 12 are fashioned from flexible absorbent toweling material, such as terry cloth. *The second column of page 1, lines 10 – 17.* Wachs' does not discuss a scrubbing texture associated with the wall portion 12 that is different than the scrubbing texture associated with the wall portion 11. Therefore, unlike the applicants' glove in claim 10, Wachs' bath mitt does not include a wall portion 12 having a scrubbing texture that is different than the scrubbing texture of wall portion 11.

Ehrmann also fails to disclose a flexible second side having a second scrubbing texture that is different than the first scrubbing texture. Ehrmann discloses an equine body brush (10 in FIGS. 1 – 4, and 110 in FIGS. 5 – 8) that includes a base member (12 in FIGS. 1 – 4, and 112 in FIGS. 5 – 8), a bristle portion (14 in FIGS. 1 – 4, and 114 in FIGS. 5 – 8) that includes hard or stiff bristles, and another, different bristle portion (16 in FIGS. 1 – 4, and 116 in FIGS. 5 – 8) that includes soft or flexible bristles. The bristle portions 14, 16, 114 and 116 all extend from the same side of the base member 12 and 112, respectively, and in the same direction. Furthermore, the bristle portions 16 and 116 are longer than the bristle portions 14 and 114, respectively, and arranged to provide a taper angle  $\theta$  (FIGS. 4 and 8). In use, one applies both bristle portions 14 and 16, or 114 and 116 to an animal's coat of hair and then moves the brush 10 or 110 across the coat in a direction that permits the bristle portion 14 or 114 to move through the coat before the bristle portion 16 or 116 does. Thus, with one stroke of the brush 10 or 110, the first bristle portion 14 or 114 pulls any dander, debris and loose hair in the animal's coat away from the animal's skin, and the bristle portion 16 or 116 then removes the dander, debris and loose hair from the animal. Unlike the applicant's glove in claim 10, Ehrmann's brush 10 and 110 does not include the bristle portions 14 and 16, and 114 and 116 extending from different sides of the base member 12 and 112, respectively.

Therefore, Wachs and Ehrmann each fail to disclose a flexible second side having a second scrubbing texture that is different than the first scrubbing texture as claimed in amended claim 10.

**Examiner Fails to Show a Motivation or Suggestion to Combine Exists in Wachs, Ehrmann or the Knowledge Generally Available to One Skilled in the Art**

To establish a *prima facie* case of obviousness, a suggestion or motivation to combine the disclosures of Wachs and Ehrmann must exist in either the references themselves or the knowledge generally available to one of ordinary skill in the art. A motivation or suggestion to combine Wachs' bath mit with Ehrmann's equine body brush to make a pet washing glove having a first scrubbing texture incorporated into a first side and a second scrubbing texture that is different than the first scrubbing texture

incorporated into a second side does not exist in Wachs or Ehrmann. And, the examiner has not shown that a motivation or suggestion for making the same combination exists in the knowledge generally available to one of ordinary skill in the art.

The examiner asserts that the motivation to combine Wachs' bath mit with Ehrmann's equine body brush is to provide differing levels of washing massage. The examiner, however, fails to show that this motivation exists in the knowledge generally available to one skilled in the art. Consequently, the examiner concludes that this motivation exists in the knowledge generally available to one skilled in the art without supporting this conclusion with a fact showing the existence of this motivation in the knowledge generally available to one skilled in the art. Thus, the applicant asserts that the examiner has used hindsight — knowledge she obtained from reading the applicant's patent application — when concluding that the motivation of providing differing levels of washing massage exists in the knowledge generally available to one skilled in the art. Such use of hindsight is impermissible to support *prima facie* case of obviousness.

Therefore, the examiner has failed to show that a motivation or suggestion to combine Wachs' bath mit with Ehrmann's equine body brush to make a pet washing glove as claimed in amended claim 10 exists in Wachs, Ehrmann or the knowledge generally available to one skilled in the art.

Claims 3 – 9 and 11 – 23 are patentable by virtue of their dependencies on claim 10.

#### **Rejection of claim 24 under 35 U.S.C. §103(a)**

The applicant's attorney respectfully disagrees with the Examiner's rejection of claim 24 because Wachs fails to disclose a first side and/or second side impregnated with washing material that is released therefrom upon wetting.

Claim 24 recites a single-use pet washing glove that includes a first side having a first scrubbing texture, and a second side that together provide a sheath for a hand and generally define a first palm portion on the first side, a thumb portion, and at least one

finger portion. The glove also includes washing material impregnated in at least one of the first and second sides, and released therefrom upon wetting.

For example, as discussed in paragraph 24 of the specification, the single-use pet washing glove includes a first side 20 that is similar to the first side 20 of the glove 10 shown in FIG. 2, a second side 30 that is similar to the second side 30 of the glove 10 shown in FIG. 2, and washing material that is absorbed into the glove's first side 20 and/or second side 30 before the glove is wetted to wash a pet. When the glove is wetted with water, the water dissolves the washing material and allows one to lather the washing material into a pet's coat of hair with the glove.

In contrast Wachs fails to disclose a first side and/or second side impregnated with washing material. As previously discussed Wachs discloses a bath mit that includes an intermediate wall portion 10, an outer wall portion 12, and an opposite outer wall portion 11. The intermediate wall portion 10 is sewn to the outer wall portion 12 to form a pocket 17 for retaining a bar of soap 18. When the soap 18 is inserted into the pocket 17 and not wetted, the soap 18 is not absorbed into the wall portions 10 and 12. When the soap 18 is wetted and some of it dissolves, the dissolved soap is then absorbed into the wall portions 10 and 12. Therefore, unlike the applicants' glove in claim 24, Wachs' bath mitt does not include soap 18 impregnated in the wall portion 10 and/or wall portion 12 and is released therefrom upon wetting.

#### **Rejection of claim 25 under 35 U.S.C. §103(a)**

Claim 25 is patentable over Wachs and Ehrmann for reasons similar to those recited above in support of claim 24 over Wachs.

#### **Rejection of claim 26 under 35 U.S.C. §103(a)**

Claim 26 is patentable over Wachs for reasons similar to those recited above in support of claim 10 over Wachs and Ehrmann.

### **Patentability of claim 27**

Claim 27 is patentable over Wachs and Ehrmann for reasons similar to those recited in support of claim 10 over Wachs and Ehrmann, and in support of claim 24 over Wachs.

### **Conclusion**

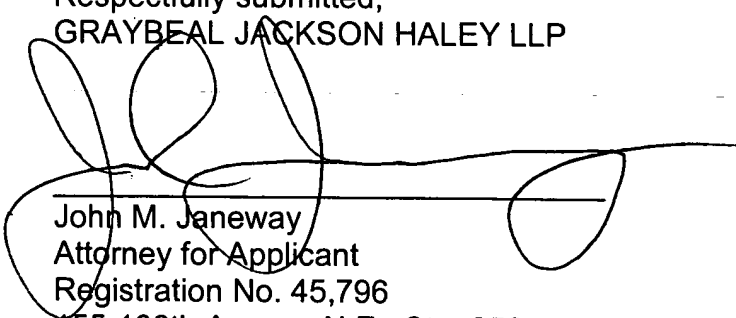
Applicant's attorney respectfully requests the examiner withdraw her rejection of claims 2 – 26 in view of applicant's amendments and remarks and issue an allowance for claims 2 – 27.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the examiner believes that a phone interview would be helpful, he is respectfully requested to contact the applicant's attorney, John Janeway, at (425) 455-5575.

DATED this 26<sup>th</sup> day of August 2004.

Respectfully submitted,  
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